

**BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
DECEMBER 4, 2007**

CALL TO ORDER	<p>A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Scott Hollinger, Tony Sagami, Mark Hash, and Craig Wagner. Gina Klempel had an excused absence. Eric Giles, George Smith, Drew Hagemeyer and Jeff Harris represented the Flathead County Planning & Zoning Office.</p> <p>There were approximately seven people in the audience.</p>
APPROVAL OF MINUTES	<p>No minutes were approved at this meeting.</p>
PUBLIC REVIEW	<p>Hollinger reviewed the public hearing process.</p>
PUBLIC COMMENT <i>(not related to agenda items)</i>	<p>None.</p>
FENN PROPERTIES (FCU 07-20)	<p>A request by Russell Meads on behalf of Fenn Properties, for a Conditional Use Permit to operate a tavern, in an existing establishment, within the Bigfork, B-3 (Community Business) Zoning District. The proposed site is located at 8270 Highway 35.</p>
STAFF REPORT	<p>Eric Giles reviewed staff report FCU 07-20 for the Board.</p>
BOARD QUESTIONS	<p>Hash asked why the Board is looking at this CUP.</p> <p>Giles said the applicant is applying for a liquor license through the state and it required him to comply with all zoning for the County.</p>
APPLICANT	<p>None.</p>
AGENCIES	<p>None.</p>
PUBLIC COMMENT	<p>None.</p>
STAFF REBUTTAL	<p>None.</p>
APPLICANT REBUTTAL	<p>None.</p>

BOARD DISCUSSION	<p>Sagami asked if the gaming license came with the liquor license.</p> <p>Hollinger said the gaming license comes with the liquor license.</p>
MOTION	<p>Hash made a motion seconded by Sagami to approve FCU 07-02 as amended.</p>
ROLL CALL	<p>On a roll call vote the motion passed unanimously.</p>
BOARD DISCUSSION	<p>None.</p>
SADDLEHORN (FCU 07-19)	<p>A request by Saddlehorn, LLC, for a Conditional Use Permit to operate a gravel pit in the Bigfork, SAG-5 (Suburban Agricultural), Zoning District. The applicant will use a 5.2 acre site and no permanent structures will be erected on the property. The maximum depth will be 12 feet and mining would last approximately 2 weeks. Crushing equipment will be moved in and out only once. The property is located at 150 Saddlehorn Trail.</p>
STAFF REPORT	<p>George Smith presented staff report FCU-07-19 to the Board.</p>
BOARD QUESTIONS	<p>Sagami asked if seven to seven was normal hours of operation.</p> <p>Smith said most gravel pits want to run longer, but this one has no need to stay open later or start earlier.</p>
APPLICANT	<p>Brett Fisher, representing Saddlehorn, said the permit acreage is 32 acres, but only 5.2 acres will be used for the gravel pit. He asked about condition 17 and the letter from Montana Department of Fish, Wildlife, and Parks.</p> <p>Smith said there is a lot of wildlife in the area.</p> <p>Fisher said the crusher has a 2,000 gallon tank and asked about the condition regarding fuel.</p> <p>Smith said that is operational fuel.</p>
AGENCIES	<p>None.</p>
PUBLIC COMMENT	<p>None.</p>
STAFF REBUTTAL	<p>None.</p>

APPLICANT REBUTTAL	None.
BOARD DISCUSSION	None.
MOTION	Sagami made a motion seconded by Hash to approve FCU 07-19.
ROLL CALL	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	None.
JOSH JOSEPH (FCU 07-17)	A request by Josh Joseph, on behalf of Mark Owens, for a Conditional Use Permit to construct a multi-family dwelling in the Evergreen, RA-1 (Residential Apartment), Zoning District. The applicant is proposing an 8-unit apartment building on 21,781 square feet.
STAFF REPORT	Andrew Hagemeyer reviewed Staff Report FCU 07-17 for the Board.
APPLICANT	Josh Joseph has worked closely with everyone involved in the process. He is currently building an eight unit apartment complex. He said the area is zoned for high density multi-family structures.
AGENCIES	None.
PUBLIC COMMENT	<p><u>Bob Goodman</u>, 31 West Evergreen Drive, lives on the corner of Spruce and Evergreen. He said if there is going be two more eight until complexes it will be a lot of vehicle trips per day. He said west Evergreen is used as a bypass.</p> <p><u>Tom Christenson</u>, 33 West Evergreen, lives less than ½ a block from the proposed apartment. He had the same complaints as the previous speaker.</p> <p><u>Jerald (inaudible)</u> agreed with the previous speakers and was concerned about traffic.</p>
APPLICANT REBUTAL	Joseph said the traffic count is 20,000 plus cars per day. The additional traffic would be minuscule in light of what has happened every day in the past decade. The area is currently being used as a heavy equipment storage yard and is zoned residential and high density residential.
STAFF REBUTAL	Hagemeyer said section 3.9 of the subdivision regulations are no longer used and it is up to the Road Department to determine the regulations.

**BOARD
DISCUSSION**

Hash asked what Staff's opinion of the public's comment was.

Hagemeier said Staff doesn't look at the accumulative impact of each CUP because they are looked at individually.

Hash asked if all 3 of the 8 unit apartment complex buildings would be a problem for the neighbors.

Hagemeier said he didn't know because this is the first public comment he has heard on the proposal.

Hollinger asked if the application was for a single complex.

Joseph said yes.

Sagami asked if the first approved project accessed on west Evergreen.

Joseph said yes; he said he could dissipate the traffic off of Spruce to West Evergreen.

Hagemeier said the internal traffic could be controlled by speed limits and speed bumps. One concern would be more confusion for medical services.

MOTION

Sagami made a motion seconded by Hash to issue FCU 07-17 as amended.

ROLL CALL

On a roll call vote the motion passed unanimously.

**JOSH JOSEPH
(FCU 07-18)**

A request by Josh Joseph, on behalf of Mark Owens, for a Conditional Use Permit to construct a multi-family dwelling in the Evergreen, RA-1 (Residential Apartment), Zoning District. The applicant is proposing an 8-unit apartment building on 23,856 square feet. The property is located at 25 West Evergreen.

STAFF REPORT

Andrew Hagemeier reviewed Staff Report FCU 07-18 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Josh Joseph asked if Staff wanted a 30-foot easement.

Harris said Staff is requesting a 30-foot easement on the West lot.

Hollinger asked what the easement is for.

Harris said the easement would be for future access.

The Board discussed the easement.

**PUBLIC
COMMENT**

None.

MAIN MOTION

Sagami made a motion seconded by Wagner to approve FCU 07-16 as amended.

ROLL CALL

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Harris discussed Colby Shaw's situation with the Board.

Harris said there will be a revised zoning text regarding gravel pits at the next scheduled meeting.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. on a motion by Hash seconded by Wagoner. The next meeting will be held at 6:00 p.m. on February 5, 2008.

Scott Hollinger, President

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 2/5/08